

**AMENDMENTS TO THE CLAIMS:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**LISTING OF CLAIMS:**

1. (Original): A positively chargeable toner, comprising:  
toner particles that are formed by allowing resin particles containing an amino-group and colorant particles to aggregate,  
the toner having an amine value in a range of 5 to 35 KOHmg/g.
2. (Original): The positively chargeable toner according to claim 1, wherein the resin particles are prepared by polymerizing a polymerizable monomer containing an amino-group containing monomer.
3. (Original): The positively chargeable toner according to claim 1, having an amine value in a range of 6 to 28 KOHmg/g.
4. (Original): The positively chargeable toner according to claim 1, having an acid value in a range of 0.1 to 30 KOHmg/g.
5. (Original): The positively chargeable toner according to claim 4, having an acid value in a range of 0.1 to 10 KOHmg/g.

6. (Currently Amended): The positively chargeable toner according to claim 1, having a total amount of nitrogen in the toner ~~[[is]]~~ from 0.5 to 3.0%.

7. (Original): The positively chargeable toner according to claim 2, wherein a content of the amino-group containing monomer is from 4 to 30% by weight with respect to the entire monomer components constituting resin particles.

8. (Original): The positively chargeable toner according to claim 1, wherein a weight-average molecular weight (Mw) of polymer forming the resin particles is from 15,000 to 500, 000.

9. (Original): The positively chargeable toner according to claim 1, wherein a softening point of polymer forming the resin particles is from 90 to 140°C.

10. (Original): The positively chargeable toner according to claim 1, wherein the toner particles have a volume-average particle size of 4 to 7  $\mu\text{m}$ .

11. (Currently Amended): The positively chargeable toner according to claim 1, wherein the resin particles contains an acid monomer as a constituent monomer and a content of the acidic monomer is from greater than 0 to 1.5% by weight with respect to the entire constituent monomers.

12. (Currently Amended): The positively chargeable toner according to claim 11, wherein a content of the acidic monomer is from greater than 0 to 0.5% by weight with respect to the entire constituent monomers.

13. (Original): A production method of a positively chargeable toner, comprising:  
a forming process of resin particles by polymerizing a polymerizable monomer containing an amino-group containing monomer, and  
a forming process of toner particles by aggregating at least the resin particles and colorant particles.

14. (Original): The production method of a positively chargeable toner according to claim 13, wherein the resin particles are formed by laminating an intermediate layer and an outer layer successively on a center portion.

15. (Original): The production method of a positively chargeable toner according to claim 14, wherein an amino-group containing monomer is contained in the intermediate layer as a constituent monomer and a content thereof is in a range of 2 to 38% by weight.

16. (Original): The production method of a positively chargeable toner according to claim 15, wherein an amino-group containing monomer is contained in the center portion as a constituent monomer and a content thereof is in a range of 2 to 38% by weight.

17. (Original): The production method of a positively chargeable toner according to claim 14, wherein the outer layer comprises at least a resin and an acid monomer is contained in a range from 0.1 to 10% by weight with respect to entire constituent monomers in the outer layer.

18. (Original): The production method of a positively chargeable toner according to claim 17, wherein the acid monomer is contained only in the outer layer.

19. (Original): The production method of a positively chargeable toner according to claim 13, wherein a particle size of the resin particles is in a range from 50 to 500 nm in weight average particle size.

20. (Original): The production method of a positively chargeable toner according to claim 13, wherein the toner particles are formed by aggregating in an aqueous medium at least the resin particles and the colorant particles dispersed with an amino-based silane coupling agent.

21. (New) The positively chargeable toner according to claim 4, wherein the resin particles containing an amino-group include a monomer having the amino-group and a monomer having an acidic group as a constituent monomer.

22. (New): The positively chargeable toner of claim 21, wherein the resin particles containing an amino-group comprises a core, an intermediate layer and an outer

layer, the intermediate layer and the core include the monomer having an amino-group as a constituent monomer, and the outer layer comprises the monomer having an acidic group.